

MINUTES
Special Meeting of the Mayor and Council
Wednesday, September 28, 2022
7:00 PM

CALL THE MEETING TO ORDER

Mayor Marana called the meeting to order at 7:00 PM in the Council Chambers at 116 Paris Avenue, Northvale, New Jersey 07647.

OPEN PUBLIC MEETINGS ACT NOTICE

Mayor Marana read the Open Public Meetings Act Notice into the record as follows:

“This is a Special Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have been advertised in the official Newspaper of the Borough, filed with the Municipal Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.”

SALUTE TO FLAG AND MOMENT OF SILENCE

Mayor Marana asked everyone to stand and join him in a salute to the flag led by Chris Mazzilli. Mayor Marana asked everyone to remain standing for a moment of silence for everyone who is in Florida at this time.

Mayor Marana asked for a roll call of the Council:

Mayor Marana	Present	Councilman Hogan	Present
Councilman Argiro	Present	Councilman McGuire	Present
Councilman DeLisio	Present	Councilwoman McMorrow	Present
Councilman Devlin	Absent		

Other Officials Present:

Deena Rosendahl, Borough Attorney via conference call
Frances Weston, Municipal Clerk

Mayor Marana informs the Council that Councilman Devlin is in North Carolina and Councilman Hogan is in his last day of quarantining. Councilman Hogan called in on the conference call.

RESOLUTION #2022-143

TITLE: RESOLUTION AUTHORIZING PROMOTIONS OF POLICE OFFICERS DEVORE AND KLICS TO SERGEANT, SERGEANT ALISE TO LIEUTENANT AND LIEUTENANT MAZZILLI TO CAPTAIN

Mayor Marana asked for a motion and second to approve Resolution #2022-143. Motion made by Council President DeLisio, seconded by Councilwoman McMorrow.

WHEREAS, Robert Devore and James Klics is currently employed as a police officer for the Borough of Northvale; and

WHEREAS, Giuseppe Alise is currently employed as a sergeant for the Borough of Northvale; and

WHEREAS, Christopher Mazzilli is currently employed as a Lieutenant for the Borough of Northvale; and

WHEREAS the Chief of Police has recommended the promotion of Officer Devore and Officer Klics to the position of Sergeant; and

WHEREAS, the Chief of Police has recommended the promotion of Sergeant Alise to the position of Lieutenant; and

WHEREAS, the Chief of Police has recommended the promotion of Lieutenant Mazzilli to the position of Captain; and

WHEREAS, it is in the best interest of the Borough to promote Officer Devore and Officer Klics to the position of Sergeant at the applicable rate of pay as set forth in the collective bargaining agreement; and

WHEREAS, it is in the best interest of the Borough to promote Sergeant Alise to the position of Lieutenant at the applicable rate of pay as set forth in the collective bargaining agreement; and

WHEREAS, it is in the best interest of the Borough to promote Lieutenant Mazzilli to the position of Captain at the rate of pay to be determined at a later date.

NOW, THEREFORE BE IT RESOLVED, by the Borough of Northvale that Officer Devore and Officer Klics are hereby promoted to the position of Sergeant effective immediately at a rate of pay as set forth in the collective bargaining agreement, Sergeant Alise is hereby promoted to the position of Lieutenant at the applicable rate of pay as set forth in the collective bargaining agreement and Lieutenant Mazzilli is hereby promoted to the position of Captain at the rate of pay of to be determined at a later date.

Mayor Marana asked for a roll call vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Absent	Councilwoman McMorrow	Yes

OATHS OF OFFICE

Mayor Marana administers the Oaths of Office to Sergeant Devore and Klics at the Senior Center. Council President DeLisio administers the Oaths of Office to Lieutenant Alise and Captain Mazzilli at the Senior Center.

Meeting resumes in the Council Chambers at 7:25 PM.
Gregg Paster, Special Counsel, is Present.

CORRESPONDENCE

1. Colliers Engineering Letter, dated September 27, 2022
Recommendation of Award Clinton Avenue Roadway Project
(Resolution #2022-146)

RESOLUTIONS – Consent Agenda –

“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”

Mayor Marana asked for a motion and second to approve Consent Agenda Resolutions #2022-144 through 2022-146. Motion made by Council President DeLisio, seconded by Councilwoman McMorrow.

RESOLUTION #2022-144

TITLE: RESOLUTION APPROVING THE 2021 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R. S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Northvale hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #2022-145

TITLE: RESOLUTION APPROVING RAFFLE LICENSE #RL233- NORTHVALE VOLUNTEER FIRE ASSOCIATION-CASINO NIGHT-NOVEMBER 26, 2022

BE IT HEREBY RESOLVED, that the following license to conduct an On-Premise Raffle be issued to:

NAME: Northvale Volunteer Fire Association
ADDRESS: 204 Washington Street, Northvale, NJ
LOCATION OF RAFFLE: 204 Washington Street, Northvale, NJ
HOURS: 6:00-10:00 PM

DATE OF RAFFLE: November 26, 2022
ID #: 353-9-29752
RAFFLE LICENSE #: RL 233

RESOLUTION #2022-146

TITLE: RESOLUTION AWARDING BID FOR NJDOT FY2021 MUNICIPAL AID PROGRAM – CLINTON AVENUE ROADWAY PROJECT

WHEREAS, the Borough of Northvale, upon advertisement and pursuant to specifications, solicited bid proposals for the NJDOT FY2021 Municipal Aid Program – Clinton Avenue Roadway Project (the “Project”); and

WHEREAS, the Project consists of roadway improvements along Clinton Avenue (from Wildwood Road West to Briarwood Lane and from east of CSX right-of-way to Tappan Road) and Arrow Street (from Hughes Street to Wildwood Road West). The work includes HMA milling and paving, full depth pavement repair, installation of ADA-compliant curb ramps, upgrading inlets with eco curb pieces and bicycle safe grates, traffic striping, signage upgrades, cleaning and video inspection of sanitary sewer pipes, and sanitary sewer repairs; and

WHEREAS, four (4) bid proposals were received from D&L Paving Contractors, Inc., DLS Contracting Inc., Your Way Construction Inc. and American Asphalt & Trucking LLC on September 22, 2022, the date set forth in the invitation for receipt of bid proposals from; and

WHEREAS, the two lowest bids, American Asphalt & Trucking LLC and DLS Contracting Inc. are rejected for failure to submit a complete list of all sub-contractors which was identified as mandatory information required by the bid specifications; and

WHEREAS, D&L Paving Contractors, Inc. was the third lowest bid providing a Base Bid of \$307,364.57, \$28,368.00 for Alternate Bid “A” comprising a total Bid amount of \$335,732.57 along with all mandatory information as required in the bid specifications was provided; and

WHEREAS, on the basis of the foregoing, the Borough Engineer has recommended the contract for the Project be awarded to D&L Paving Contractors, Inc. as the third lowest bidder.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Northvale that the bid proposal submitted by D&L Paving Contractors, Inc. in the amount of Base Bid of \$307,364.57, \$28,368.00 for Alternate Bid “A” comprising a total Bid amount of \$335,732.57 shall be and is hereby accepted and the contract for the NJDOT FY2021 Municipal Aid Program – Clinton Avenue Roadway Project shall be awarded to D&L Paving Contractors, Inc.

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Consent Agenda Resolutions only. There being no questions or comments, Mayor Marana closed the meeting to the public.

Mayor Marana asked for a roll call vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Absent	Councilwoman McMorrow	Yes

RESOLUTION #2022-147

TITLE: RESOLUTION APPROVING RAFFLE LICENSE #RL232- K OF C IMMACULATE CONCEPTION COUNCIL 9021-50/50 RAFFLE-DECEMBER 9, 2022

Mayor Marana asked for a motion and second to approve Resolution #2022-147 Motion made by Councilman Argiro, seconded by Council President DeLisio.

BE IT HEREBY RESOLVED, that the following license to conduct an On-Premise Raffle be issued to:

NAME:	K of C Immaculate Conception Council 9021
ADDRESS:	211 Summit Street, Norwood, NJ
LOCATION OF RAFFLE:	199 Walnut Street, Northvale, NJ
HOURS:	7:00-11:00 PM
DATE OF RAFFLE:	December 9, 2022
ID #:	355-6-42364
RAFFLE LICENSE #:	RL 232

OPEN MEETING TO THE PUBLIC

Mayor Marana opened the meeting to the public for questions or comments on Resolution #2022-147 only. There being no questions or comments, Mayor Marana closed the meeting to the public.

Mayor Marana asked for a roll call vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Abstain
Councilman Devlin	Absent	Councilwoman McMorrow	Yes

OPEN MEETING TO THE PUBLIC

Deb Pawlowski, 111 Paris Avenue – asked if a Property Maintenance person had been hired. Nic Lepore, interim Property Maintenance, is in the process of reviewing all files and will contact Ms. Pawlowski. Asked if the sidewalks on Paris are completed.

CLOSED SESSION – Mayor Marana asked for a motion and second to go into Closed Session. Action will definitely be taken when we return to open. Motion was made by Council President DeLisio, seconded by Councilman McGuire.

Action may not be taken upon return to open session.

RESOLUTION #2022-148

TITLE: TO PROVIDE FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT N.J.S.A 10:4-12

WHEREAS, the Council of the Borough of Northvale is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Council of the Borough of Northvale to discuss in session not open to the public certain matter relating to an item or items authorized by NJSA 10:4-12b, as listed below:

- 1. Matters required by law to be confidential
- 2. Matters where the release of information would impair the right to receive funds.
- 3. Matters involving individual privacy
- 4. Matters relating to collective bargaining
- 5. Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- 6. Matters relating to public safety and property.
- 7. Matters relating to litigation, negotiations and attorney client privilege.
- 8. Matters relating to the employment relationship – Personnel
- 9. Matters relating to the potential imposition of a penalty.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Northvale that immediately after the adoption of this resolution the Council shall enter into closed session.

Mayor Marana asked for a roll call vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Absent	Councilwoman McMorrow	Yes

CLOSED SESSION – The Council went into Closed Session at 7:33 PM.

RETURN TO OPEN SESSION – The Council returned to Open Session at 7:58 PM.

RESOLUTION #2022-149

Mayor Marana asked for a motion and second to approve Resolution #2022-149. Motion made by Councilman Argiro, seconded by Councilwoman McMorrow.

TITLE: RESOLUTION AUTHORIZING OFFER TO RESOLVE CLAIM FOR SERVICES AND/OR REIMBURSEMENT BY PARIS SQUARE HOMEOWNERS' ASSOCIATION

WHEREAS, on September 6, 2006, the Northvale Planning Board/Zoning Board (the “Board”) adopted Resolution 06-13, granting approval to Rio Vista Homes at Northvale, LLC (“Rio Vista” or “Developer”) to construct an 88 unit multi-family development called Rio Vista on the subject lots. Since 2006, nine (9) resolutions involving the Subject Property have been adopted, all of which are incorporated herein by reference.; and

WHEREAS, dominion and control of the said housing development was transferred from the Developer, to a private homeowners association, known and referred to as the Paris Square Homeowners’ Association, Inc., (hereinafter 'Paris Square' or 'Association') or a similar name; and

WHEREAS, the Borough was provided notice of the transfer of administration and control of the development by letter dated July 2, 2021 from John Pandolfo, as managing agent for and on behalf of the said Association, so notifying the Borough and requesting services and/or reimbursement pursuant to the New Jersey Municipal Services Act, N.J.S.A. 40:67-23.3, et seq.; and

WHEREAS, the Borough has acknowledged an obligation to provide the services at issue or to reimburse the Association for same, dating back to at least 2014; and

WHEREAS, the Association has acknowledged that no reimbursement is due for garbage and recycling collection as those services have been provided under the Borough’s municipal solid waste and recycling contracts throughout the operative timeframe; and

WHEREAS, based upon available information, the Borough’s per household cost for street lighting in the relevant time period is approximately:

2014-	\$34.68	X 21 eligible =	\$728.28
2015-	\$35.02	X 21 eligible =	\$735.42
2016-	\$37.77	X 21 eligible =	\$793.17
2017-	\$37.71	X 24 eligible =	\$905.04
2018-	\$37.04	X 25 eligible =	\$926.00
2019-	\$35.61	X 34 eligible =	\$1,210.74
2020-	\$38.56	X 47 eligible =	\$1,812.32
2021-	\$41.21	X 60 eligible =	\$2,472.60
Street lighting total			\$9,583.57; and

WHEREAS, based upon available information, the Borough's per household cost for snow removal in the relevant time period is approximately:

2014-	\$52.31 x 21 = \$1,098.51
2015-	\$52.31 x 21 = \$1,098.51
2016-	\$52.31 x 21 = \$1,098.51
2017-	\$52.31 x 24 = \$1,255.44
2018-	\$52.31 x 25 = \$1,307.75
2019-	\$52.31 x 34 = \$1,778.54
2020-	\$52.31 x 47 = \$2,458.57
2021-	\$52.31 x 60 = \$3,138.60

Snow removal total \$13,234.43; and

WHEREAS, the Borough now seeks to resolve the claims by the Association and to uphold and fulfill its responsibilities and obligations to all residents by providing essential services required by statute and case law, and other good cause appearing.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Northvale, County of Bergen, State of New Jersey that the Borough Attorney is authorized to offer a settlement of all claims and issues for reimbursement advanced by Bellaire in an amount not to exceed a total of Twenty Two Thousand Eight Hundred Eighteen and 00/100 (\$22,818.00) Dollars, and to thereafter provide such services or reimbursement consistent with the settlement agreement, and the Mayor and Borough Clerk be and are hereby authorized to execute such documents as may be necessary to memorialize such an agreement in a form and substance acceptable to the Borough Attorney, subject to certification of available funds by the Chief Financial Officer, to be presented in the usual course of business; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be sent immediately upon the entry hereof to the CFO, counsel for the Association and all departments, vendors and agencies necessary to provide the required services.

Mayor Marana asked for a roll call vote of the Council:

Councilman Argiro	Yes	Councilman Hogan	Yes
Councilman DeLisio	Yes	Councilman McGuire	Yes
Councilman Devlin	Absent	Councilwoman McMorrow	Yes

ADJOURNMENT

Motion was made by Council President DeLisio, seconded by Councilman McGuire to adjourn the meeting at 7:59 PM. All were in favor to adjourn.

Patrick J. Marana

Mayor

ATTEST:

Frances M. Weston

Frances M. Weston
Municipal Clerk

Approved: October 18, 2022